

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the matter of	)	
	)	
Development of Nationwide Broadband	)	
Data to Evaluate Reasonable and Timely	)	
Deployment of Advanced Services to All	)	CC Docket No. 07-38
Americans, Improvement of Wireless	)	
Broadband Subscribership Data, and	)	
Development of Data on Interconnected	)	
Voice over Internet Protocol (VoIP)	)	
Subscribership	)	

**Joint Comments of the  
Maine Public Utilities Commission and the Connect Maine Authority**

The Maine Public Utilities Commission (“MPUC”) and the Connect Maine Authority (CMA) (collectively, “Joint Commenters”) hereby submit these joint comments pursuant to the Response to the Federal Communication Commission’s (FCC) Report and Order and Further Notice of Proposed Rulemaking (FNPR) in this proceeding. In these comments, the Joint Commenters respond to the FCC’s request for comments on matters relating to broadband availability mapping. Specifically, we encourage the FCC to require broadband providers to submit detailed, address-by-address information regarding the availability of the broadband service in their territories. We also request that the FCC reconsider its decision to keep individual provider’s broadband availability data confidential.

**I. NEED FOR DETAILED DATA REGARDING BROADBAND AVAILABILITY**

Like Kentucky, Maine has an agency, the CMA, which was established to stimulate investment in advanced communications technology infrastructure in unserved or underserved areas. Pursuant to state statute, 35-A M.R.S.A. §9204(3)(A-C), the

CMA is required to: (1) collect, aggregate, coordinate and disseminate information and data concerning communications services and advanced communications technology infrastructure in the State; (2) track investment in advanced communications technology infrastructure; and (3) continually assess the availability of and need for advanced communications technology infrastructure in unserved or underserved areas within the State. Clearly, reliable, up-to-date data on which parts of the state are served and unserved is essential. Maine has done its best with the data currently submitted by Maine providers under the FCC's Form 477 data as well as with its own collection efforts, but there is tremendous room for improvement.

CMA funding is very limited - less than \$2 million a year. Thus, it is critical to CMA's ability to fulfill its statutory obligations and the public policy objective of ubiquitous broadband that CMA funding be narrowly targeted to deploying services in areas that are truly unserved. If CMA had access to address-by-address data on availability of broadband in Maine, it could more quickly make decisions regarding which requests for its limited funds for projects in unserved areas should be funded. Access to accurate and complete data for a state could also be used to support the need for increased state funding of projects such as CMA.

## **II. DATA COLLECTION**

Both the MPUC and the CMA have had difficulty collecting data from providers. Many of the larger providers are the most reluctant to provide information. A federal requirement to provide data and a uniform format for the data would go a long way in alleviating our difficulties. Thus, the Joint Commenters support the adoption of a

national broadband mapping program with the objective of creating a highly-detailed map of broadband availability nationwide. Indeed, the Joint Commenters both have pressing needs for the data but lack the technical and economic resources to create and maintain a GIS (Geographic Information System) map.

### **III. SPECIFIC COMMENTS ON SECTION IV(B)**

The FNPR seeks comment on how to maintain the confidentiality of data collected pursuant to federal requirements. We believe that GIS can be easily programmed to limit access in a variety of ways. For example, the federal database could be set up so as to allow state agencies to view data from only their home state. The database also could be set up to allow certain users to view data for a limited time, thereby further limiting access. In addition, the database could be programmed to prevent download of data or to block access to certain fields in the data (e.g., provider name and contact information), if necessary.

The Joint Commenters support the FCC's tentative conclusion that the FCC should collect information that providers use to respond to inquiries from prospective customers regarding broadband availability on an address-by-address basis.

Regarding the FCC's questions regarding format, the Joint Commenters suggest the use of a nationally recognized, published, open standard such as shapefiles or KML. Both of these formats could support fields for all of the data required by Form 477, or any subset of the data as requested by the FCC. KML is a programming language, originally developed to manage the display of geospatial data in Google Earth. It is still used heavily in Google Earth but is also supported by a variety of vendors' tools and

mapping programs. In addition, KML has recently become an open standard which will be maintained by the Open Geospatial Consortium, Inc. (OGC). A shapefile is a digital storage format for storing geometric location and associated attribute information (e.g., 477 data). The shapefile format was introduced by the software company ESRI in the 1990s but it is now possible to read and write shapefiles using a variety of free and non-free programs.

#### **IV. REQUEST FOR RECONSIDERATION**

The Joint Commenters respectfully suggest that the FCC reconsider its decision finding that all information submitted pursuant to Form 477 be considered confidential. The availability of a broadband provider's services, in a specific geographic area, is the quintessential piece of information required by a potential customer. Broadband providers are in business to attract customers for their service and often freely provide information to potential customers, sometimes unsolicited, regarding availability. Given these facts, it is difficult to understand why such information should be treated as confidential. Further, sophisticated GIS technology makes it possible to separate public availability data from confidential subscription data. Finally, other federal agencies, such as the FBI, support confidential mapping web services. Potential users are vetted before being given access to the maps and most users have access only to a limited set of information.

Thus, we respectfully request that the FCC reconsider its decision to keep individual provider's broadband availability confidential.

Respectfully submitted,

MAINE PUBLIC UTILITIES COMMISSION

By:

A handwritten signature in blue ink, appearing to read "Vendean V. Vafiades".

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Vendean V. Vafiades, Commissioner

CONNECT MAINE AUTHORITY

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Phillip Lindley, Executive Director

Dated: July 16, 2008